

# **Criminal Charges for Vaccine Mandates in Canada**

*A guide for employees who are victims of extortion through employer vaccine mandates*

The goal for this document is to advise you on how to march on your local police station/detachment - NOT for a protest that falls on deaf ears, but to actually report a crime committed against you, as is your right!

Start by organizing a large group to attend on the same date around the same time. 20 is a minimum - you need enough "bodies" to fill a camera shot for the news. A couple people doing this are lone nuts who may be ridiculed, while a large group is *a movement* that cannot be ignored!

Attend fairly early in the morning, bearing in mind the hours the station/detachment front desk is open to the public on the day you attend. When you arrive, tip off reporters in your area that a large group of workers are at the station/detachment about to press criminal charges against their managers for mandating the SARS CoV-2 vaccine. Call the local stations for Global TV, CTV, the National Post, Rebel Media, and others. People love government scandals, especially on a polarizing issue, and this should bring lots of media attention. With regards to notifying the press, do so only at the very

last minute, when the first person from the group walks into the police station. Any notice earlier than this can result in the reporter(s) contacting the police or your employer(s) for comment, which will ruin the element of surprise. Do not give them any warning, or your group may find the station doors locked on you when you arrive.

As a Canadian, it's your right to file a police report for a criminal offence against you. When you enter the front desk area, go to the attendant and advise you want to make a criminal complaint for the offence of Extortion by the manager or head of your department who e-mailed you or communicated to you the policy. While this person is technically the individual extorting you, anyone who directed them to implement and enforce the policy could be considered "parties to the offence" and can be charged as well. See the accompanying "*Extortion Primer*" document to understand exactly what this Criminal Code violation against you is about.

Ask for written statement form to complete (or download one from the police service's web site and fill it in beforehand to save you time). Fill out your complaint in writing, explaining your position/role in your company or department, years of experience, how the offence was committed against you, how it's negatively affected you and your work environment, and sign it. Hand it in with a printed copy of the Extortion Primer document.

Make sure that you get a report number before you leave. As you're a separate victim you should have your own report number, and not have your complaint lumped in the same report with everyone else who attends with you that day.

Request that when the file is assigned to an investigator, they contact you by phone. As a victim of a crime, also request that the police service's victim support unit contact you for support and resources for your situation (most police agencies in Canada have civilian workers that provide support to victims of crime).

In all likelihood, a Sergeant at the station or on the road will have to attend, as a large group will be there at the same time to file reports of a crime and will probably be attracting attention. They wouldn't leave this to the 2 or 3 members working the front desk - they may be civilian members, or police members on accommodation (injured, pregnant, etc), and they wouldn't be prepared for this sort of situation.

The number of people in your group, the subject matter of your visit, and the media possibly being present will mean a high-ranking member may attend.

Keep in mind that for social distancing there may be a maximum limit

of persons at a time inside the station/detachment, and this could have you in a lineup in the parking lot or around the block. Dress for the weather, bring snacks or a bag lunch, and expect to be there for 2 hours or more. You'll likely need a mask to enter the station to comply with local regulations.

Once again, it's your right to report to the police an incident in which you believe you have been a victim of criminal wrongdoing. If any police member at any level refuses you this, immediately request an information brochure and form for filing a complaint with the police oversight body in your province (in Ontario this is the Office of the Independent Review Director, or OIPRD). Make a complaint against the member that refused you, and obtain the names of any other police members present who may have been witnesses. ("Badge numbers" are not necessary, so don't pester members for their badge number. Police members in uniform will have at least their initial and last name on their nametag, and that's all you need for a complaint).

If a victim support worker still hasn't contacted you after several days, launch a complaint against the police service. An assigned investigator hasn't called you after a week? Complaint. A police spokesperson refers to your report in the news as a "publicity stunt" or "pressure tactics"? Complaint! This action isn't to be a troublemaker or to cause disruption, this is all about standing up for the service and

respect to which you're entitled. There may be many dealing with your case who won't take you seriously, who feel you aren't the victim of a "real" crime, and the level of service you receive may reflect this. Treat your report as if you were reporting that your child was raped, and push with the same resolve if you find you're being sidelined or belittled. You may not have been raped but you've been "violated" in another way, and police should recognize you as a victim (whether they sympathize with your choice to comply with the mandatory vaccine policy or not).

Ultimately the aim of this course of action is not to put the people you accuse behind bars (although that would be nice), but to shine a light on these policies as criminal, and yourself as a victim of a crime. You want media attention on this for sure to point out the criminal aspect to the naive or arrogant, but this is only a by-product of taking the fight to them, and not the focus. Painting their actions in a criminal light could halt these mandates, or water them down to the point where existing employees' rights are respected.

Above all throughout this process, please be courteous and respectful at all times. When this is all over you'll have to work with your managers and potentially the police (if you work for some level of government), many of whom probably agree with you on this issue. A simple statement upfront like "I'm sorry to do this to you, I'm sure

you're busy but I'm doing this because these actions are criminal" can go a long way to keeping things harmonious. In the case of lodging police complaints, having supported police for years, you may find it awkward to ask for complaint forms or shake trees, but if you're professional and polite they'll "get it".

Note that victims of crime are allowed to report crimes against them to police, without interference from outside parties. You are NOT giving up your right to representation by your union by entering a criminal complaint, and you should not feel pressured to drop it by your shop representative or administrators in your company or department.

Good luck to all of you in this process. Always keep in mind that we may ultimately lose this battle, but it WILL be a battle, and the other side won't get anything for free!

## What You'll Need to Provide to Police:

- Photo ID with your name, date of birth, and home address to identify yourself to police
- The name of the person(s) you feel has committed extortion against you (the one(s) who have menaced you with consequences with non-compliance, through e-mail, written, or verbal warning). Ideally you would provide their date of birth, home address, and contact phone number as well. If these aren't available, their work address and work phone number will do
- Your completed written statement, on a statement form, signed at the end - multiple pages are ok but sign the bottom of each one!
- A copy of the "Extortion Primer" section of this guide, for reference by the police investigator and to put the offence in context. Note that the laws and jurisdictions mentioned in the Primer (PHIPA and OHSA) are *Ontario* laws; adjust these with the appropriate legislation and examples for your province (or federal regulation like PIPEDA for employees working for a federally-regulated employer).
- A printout of any written communications from the person you're charging relating to compliance with revealing your private health information or mandatory vaccination (e-mail chains, text messages, paper documents or warnings)
- Any other documentation or evidence you feel would be relevant to the case

## Extortion Primer

Extortion is defined in the Canadian Criminal Code as:

### Extortion

**346 (1)** Every one commits extortion who, without reasonable justification or excuse and with intent to obtain anything, by threats, accusations, menaces or violence induces or attempts to induce any person, whether or not he is the person threatened, accused or menaced or to whom violence is shown, to do anything or cause anything to be done.

### Applicability

With regards to employers' demands for "vaccination status", **administrators are abusing their positions of power to menace** employees through fear of discipline, forced unpaid leave, or dismissal from their position in order to have them waive their right to privacy of their private health information, and **obtain their compliance** in divulging it, against the protections afforded them by the Personal Health Information Privacy Act of Ontario (PHIPA), as well as Section 63 of the Occupational Health and Safety Act (OHSA); and

With regards to employers' vaccination mandates, **administrators are abusing their positions of power to menace** employees through fear of discipline, forced unpaid leave, or dismissal from their position **to obtain their compliance with an *assault* on their person**. Assault is primarily defined in the Criminal Code as "A person commits an assault when...without the consent of another person, he applies force intentionally to that other person, directly or indirectly". As the



employees involved do not consent to this force applied to their person (a needle with a drug penetrating their skin, with the drug injected into their body), it is *an assault* as defined by criminal law.

### An Examination of "Reasonable Justification or Excuse"

Whether or not the actions of the perpetrators are "reasonable or justifiable" will have to be proven in court, and the onus (responsibility) to prove this will be on the accused person(s) in their defence.

Employers may choose to use the ongoing SARS CoV-2 pandemic to justify vaccine mandates from an occupational health and safety perspective. While employers DO have a responsibility to ensure that employees and clients are working in a safe and protected environment, consider the following:

- Ontario's Peel Region was hit much harder during the pandemic than most regions in Canada were, suffering numerous cases, hospitalizations, and deaths from transmission of the virus. Despite this, the City of Mississauga, a municipal government in Peel, is implementing a somewhat "relaxed" vaccine mandate for their 7,000 employees. Their policy will allow for rapid testing before entering the workplace for those who are unvaccinated, or who exercise their right to health information privacy and refuse to disclose their vaccination status. In light of Mississauga's policy, how can employers in other areas reasonably justify denying a testing option to their employees, and take the more drastic measure of coercing all to divulge their private health information, and submit to vaccination for all?

- Employers have already implemented Personal Protective Equipment (PPE) guidelines for their employees, and have implemented policies for conduct around the workplace to keep employees safe and limit their potential exposure to SARS CoV-2. These measures include social distancing in the workplace, moving meetings and gatherings to electronic remote format, self-screening tools, and increased sanitizing of facilities by cleaning staff, amongst other measures. These measures have proven successful and effective in limiting the spread of SARS CoV-2 in the workplace over 16 months, and overall have prevented "superspreader" events. In light of the above, what reasonably justifies the employers' action to menace one's job and coerce them to submit to the injection of a drug still undergoing clinical trials (until May 2023)?
- There is NO legislation, including OHSA, that states that an employer in Ontario MUST coerce their employees to undergo SARS CoV-2 immunization. Public health directives only stipulate that employers must have "a policy" on vaccination. Even Directive 6, applicable to health care workers, only stipulates that employers must either encourage vaccination or education on SARS CoV-2 vaccines to their employees. Any policy above and beyond these recommendations by the employer is *not* founded on any law, but is instead founded on irrational overreach and abuse of their power.

As evidenced by the above, there is NO reasonable justification or excuse for employers to implement mandates that violate their privacy rights under PHIPA and OHSA, or to coerce them to cooperate with an assault on their person. Such actions are *Extortion*, as defined in the Criminal Code.

# Frequently Asked Questions

## *What are the odds that this actually works?*

Being 100% brutally honest, the odds that this criminal charge is seen all the way through to a trial or conviction are *slim*. While it would be nice to see someone behind bars for this, there's always the possibility that the local prosecutor or the Ministry of the Attorney-General declines to proceed with these cases. MAG has the power to freeze proceedings for the sake of "the public interest", and they'll probably do so just to prevent a precedent where another employer or public official may hesitate to implement an emergency directive in good faith (in fear of getting criminally charged later).

This is out of your control, so it's pointless to worry about it. What IS in your control is the ability to use this and other tactics to fight like hell, and not just roll over and roll up your sleeve! Whether someone down the line decides to drop the ball or not, you have been the victim of the offence of Extortion, the victim of a CRIME, and have the right to make it known that you're going to stand up for yourself and send the message that your employer's actions are criminal!

Shine the light on the criminal nature of these mandates, let the whole country watch you pile into the police station on the news, and wake people up and get them talking about how this is immoral and illegal! Together we are a small group, but the more public opinion is sympathetic to our situation, even if not in agreement, the more chance we have to overturn these criminal mandates.

*Can this blow back on me? Charging my own manager with a crime sounds pretty serious.*

If you've been the victim of a crime, you have the *right* to report it to the police, and no one is allowed to interfere or punish you for it. In fact, if someone interferes they can be charged with another crime! The Criminal Code states that:

**423.1 (1) No person shall, without lawful authority, engage in any conduct with the intent to provoke a state of fear in**

**(b) a justice system participant** in order to impede him or her in the performance of his or her duties

As a victim/witness of an offence, you are a participant in a proceeding in the justice system. Any attempt by anyone to intimidate or harass you into dropping the charge, changing your story, or otherwise interfering with the process can result in a criminal charge

against them. In fact the maximum penalty for this is *14 years in prison!*

*I like my manager. They really supported me during my stress leave/mat leave issues/regularly bring donuts to work. I don't think I could charge them for "just doing their job"!*

Most of us have positive relationships with our bosses, particularly if we're good, reliable employees. While it may feel awkward or even wrong to pursue a criminal charge against them for insisting we follow policy and get vaccinated, the bottom line is that when you're put on a leave of absence and eventually terminated they'll replace you, and you'll soon be forgotten. You'll keep your manager as a friend on Facebook, and they'll "like" your posts, but the sad fact is that you'll be UNEMPLOYED. And "Just doing their job" is no excuse when the conduct is *criminal*.

If you want to keep things as amicable as possible under the circumstances, have a personal conversation with your manager about it. Tell them "I really appreciate you as a manager and what you've done for me over the years, and understand that there's pressure coming down on you to make sure we follow this policy, but you need to understand that what they're forcing you to do is *criminal*. You need to back down and push back against them too as it's not

right". This puts the onus on THEM to be a good person and be an ally to you, and it shows that you're not being malicious in your actions or intent. If your boss is REALLY a good boss then they'll understand and life will go on.

*I haven't had anyone push me yet to get vaccinated. I don't think my workplace even has a policy yet. Can I join in on this action and report the crime on behalf of others?*

If no one's mentioned your employment is in jeopardy for not providing your private health information (i.e. "vax status") or for not complying with a deadline to take a SARS CoV-2 vaccine, then you haven't been the victim of any crime yet. Keep this information in your back pocket for when the hammer does eventually drop. That being said however, feel free to come out on game day and support the victims lining up to file a report. The more numbers, the better (and be nice and bring water bottles and snacks for those in line!)

*I don't know about all this. It all seems pretty risky, and I'd rather leave it to lawyers and people who know more about this. I think I'll write angry e-mails to my city councillor and member of Parliament instead.*

It's normal to be nervous about taking a stand in this situation. Public opinion has been skewed against you by media and politicians, your

employer has a lot of power over you, you have bills to pay, and things are stressful enough right now without involving yourself in a fight. But consider this: In several days your employer may deactivate your access card, and the doors to your workplace will be locked on you. 2 weeks after that, no more paychecks will be deposited into your bank account every second Thursday. Your savings will leak away as the weeks go by, until you can't pay your mortgage or put food on the table for your family. This is all happening if you don't comply with their stupid demands that you take their stupid vaccine. If there was ever a time to fight, to go on the offensive, it's NOW!

I understand these feelings of hesitation, because I've been there. We hope that constitutional lawyer Rocco Galati gets a last-minute injunction at the federal level to stop all this nonsense. We wait for the ladies at Stand4Thee to come up with some previously-undiscovered legal loophole that forces our employer to back off for good. We pray that Emperor Trudeau chokes on a bite of roast duck, and all this just goes away (well, one can always pray anyway). The truth though is that while we wait for this 11th-hour save, we get put on leave, and eventually get fired, and lose all of our money in the process. If we rely on these outside factors to get our jobs back, it could take a long time, and by then we'll be so in the hole it could take years to get back on our feet financially.

The sooner you realize that NO ONE is going to ride in on a white horse to save you, then the sooner you can muster the will to fight back like your life depends on it! Because a large part of it does.

Use every right and legal avenue at your disposal to fight back against this criminal, immoral, and unethical NONSENSE! Charge the people who've committed a crime against you. Sue them in small claims court for violating your rights and issue them Notices of Liability. Report them to the Ministry of Labour for coercing you into taking a potentially hazardous drug still in clinical trials until May 2023. Report them to your HR department for workplace harassment (for violating your privacy rights in demanding your medical information, and for trying to coerce you into taking a potentially dangerous experimental drug). Hit them with death by 1,000 cuts, wear them down in a war of attrition until they just get tired of being sued and facing harassment complaints and getting bills in the mail from their criminal defence lawyers.

Most of all, keep in mind that you are NOT alone! There are others in your situation who want to fight back, but who also feel hopeless and demoralized. Support each other, get out there in numbers, and take back what is being wrongfully taken from you: Your lawful right to medical privacy, and your right to choose what happens with your own body!



# Sample Written Victim Statement

*This is only a template/guide to your written statement to police. While you can use most of this for your own statement, DO NOT just copy this completely - make sure it is in YOUR OWN WORDS. Describe how the situation has affected YOU and how you feel about the matter. Also make sure that any privacy or workplace laws quoted in your statement are applicable to your Province or Territory (this sample uses Ontario laws).*

*Police statements should be handwritten, with the bottom of each page signed. In some jurisdictions they'll accept e-mailed/electronic statements, however check with police when you attend to see if this is true in your case.*

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My name is (NAME) and I've been working for (COMPANY OR AGENCY) for (XX) years as a (ROLE).

On (DATE) I received an email from (HEAD OF ORG + NAME, MY MANAGER/SUPERVISOR+NAME) advising me that (DESCRIBE LANGUAGE IN MESSAGE TELLING YOU TO TURN OVER VAX STATUS AND GET VACCINATED). The (POLICY OR EMAIL) stated that if I didn't comply I could be placed on leave without pay, and

could be subject to discipline up to and including dismissal (USE THE ACTUAL LANGUAGE FROM YOUR OWN POLICY OR EMAIL).

My private health information, including what vaccines I've had, is protected by OHSA section 63 and PHIPA (THESE ARE ONTARIO LAWS, USE THE HEALTH INFORMATION PRIVACY LAWS APPLICABLE TO YOUR PROVINCE), and by law I don't have to provide it to my employer. Menacing my employment to obtain my compliance in turning over this information is an act of extortion.

The COVID-19 vaccines currently available are experimental drugs still undergoing clinical trials, and their long-term effects are still not known. I do not consent to having one injected in my body, and if someone tried to inject me I would consider it an assault. Menacing my employment to obtain my submission to this assault is an act of extortion.

There is no reasonable justification or excuse for these demands by my employer. PPE and other workplace safety measures have kept my workplace safe for the past 18 months during this pandemic, and forcing me to take an experimental drug with my job held hostage is a criminal abuse of power by my employer.

This situation has caused great stress for myself and my household. (DESCRIBE STRESS AND WORRY, MAY NOT BE ABLE TO PAY MORTGAGE, BILLS, MAY LOSE PENSION, LOSING SLEEP OR WHATEVER YOUR SITUATION IS). The employer may think this is "just a policy" but it's extortion, and I never agreed to participate in a clinical trial when I signed my employment contract.

If my manager told me "sleep with me or you'll be put on unpaid leave" or "go let a nurse stab you in the shoulder with a scalpel or you'll be put on unpaid leave", clearly this would be unethical and criminal. I don't understand why my employer thinks forcing this mandate is acceptable. I hate that I've been put in the position that I have to charge them for extortion but I just want them to back off and leave me alone.

(NAME - PRINTED)

(NAME - SIGNATURE)

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